

Message Text

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ACTION PER-03

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UNCLAS OECD PARIS 29712

USIAC

USIA FOR IPT/OF, IEU

PASS STATE FOR PER/ES, ROOM 1822

E.O.11652:N/A
SUBJECT: FSL GRIEVANCE FOR MLLÉ ALEXANDRA DE MIRAMON
ABOUT WITHDRAWAL FROM CSR

REF: A. STATE DEPT. OM FROM PER/ES/LP DRAFTER:WFHIBBS:
MMR OF JUNE 29, 1976.
B. PARIS OM DATED JUNE 4, 1976 DRAFTER:PER:EAARMFIELD:
MT.
C. TELEGRAM: STATE 108809, 5 MAY, 1976, SUBJECT:FOREIGN
SERVICE LOCAL WORKING GROUP.
D. STATE AIRGRAM A-1496, 15 MARCH 1976, SUBJECT:LONG-
RANGE RETIREMENT POLICY FOR LOCAL EMPLOYEES.

PAA TO USOECD IS IN DANGER OF LOSING ALEXANDRA DE
MIRAMON, HIS VALUABLE, DIFFICULT TO REPLACE FSL
ASSISTANT BECAUSE OF A RIGID INTERPRETATION OF 3 FAM
972.1-2 BY THE DEPARTMENT AND THE PERSONNEL SECTION OF
THE U.S. EMBASSY, AN INTERPRETATION WHICH I CONSIDER
GROSSLY UNFAIR TO THE EMPLOYEE. WHAT IS MORE, THIS
INTERPRETATION RUNS DIRECTLY COUNTER TO THE INTERESTS
OF THE USG AND TO THE SPIRIT OF REFERENCE C. AND D.
THE LATTER RECOGNIZES THE GROWING INADEQUACY OF THE CSR
SYSTEM FOR MANY LOCAL EMPLOYEES AROUND THE WORLD. THE
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FORMER SOLICITS COMMENTS OR RECOMMENDATIONS ON FSL

PERSONNEL POLICY FROM PEOPLE IN THE FIELD DIRECTLY SUPERVISING FSL PERSONNEL. WHILE THIS COMMENT DEALS WITH A SPECIFIC CASE IT CASTS LIGHT UPON PROBLEMS CAUSED BY A RIGID READING OF REGULATIONS.

THE QUESTION HERE IS WHETHER A LOCAL EMPLOYEE CAN CHANGE HER MIND AND DECIDE TO WITHDRAW FROM THE CSR SYSTEM AND ENROLL IN A NON-GOVERNMENTAL LOCAL SYSTEM WHICH SHE FINDS MORE ADVANTAGEOUS. THE DEPARTMENT SAYS SHE IS IRREVOCABLY LOCKED INTO CSR AS LONG AS SHE REMAINS A USG EMPLOYEE UNLESS THE USG DECIDES TO PUT ITS LOCAL PERSONNEL UNDER FRENCH SOCIAI SECURITY OR SHE JOINS THE LATTER ON HER OWN WITHOUT ANY EMBASSY CONTRIBUTION, A PROHIBITIVELY EXPENSIVE ALTERNATIVE.

THE RIGID INTERPRETATION SEEMS TO TURN ON THE PHRASE "HOST GOVERN GOVERNMENT PLAN". MISS DE MIRAMON JOINED A LOCAL PLAN INTENDING THUS TO WITHDRAW FROM CSR IN THE ABSENCE OF ANY CONTRACTUAL OBLIGATION TO THE CONTRARY. SHE WAS TOLD SHE COULD NOT WITHDRAW EVEN THOUGH HER MEMBERSHIP IN THE LOCAL RETIREMENT PLAN SATISFIES THE GENERAL DESIDERATUM OF ANY EMPLOYER OF HAVING HIS EMPLOYEES ADEQUATELY COVERED. THE REASON: 3 FAM 972.1-2 SPECIFIES A "HOST GOVERNMENT PLAN". THIS SEEMS TO ME TO BE A VERY FINE DISTINCTION. SHE IS, IN EFFECT, BEING PENALIZED FOR HER ENTERPRISE IN FINDING A BETTER LOCAL PLAN (ALBEIT NON-GOVERNMENTAL) THAN CSR, ONE WHICH DOES NOT REQUIRE ANY CONTRIBUTION FROM THE USG AS DOES THE CSR SYSTEM.

I APPEAL TO YOU TO LOOK AT THIS CASE AND SEE WHETHER A RULING CANNOT BE MADE IN THE SPIRIT OF REFERENCE D.
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